

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRYAN BUTAKIS, on behalf of	:	CIVIL ACTION
himself and all others	:	NO. 22-2971
similarly situated,	:	
	:	
Plaintiffs,	:	
v.	:	
	:	
NVR, INC., et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this **5th** day of **April, 2023**, after considering Defendants' Motion to Dismiss Plaintiffs' Amended Complaint (ECF No. 15) and any responses thereto, and after a hearing on the record, it is hereby **ORDERED** that said motion is **GRANTED**. It is further **ORDERED** as follows:

1. Count I is **DISMISSED** with prejudice.
2. Count II, Count III, Count IV, and Count V are **DISMISSED** without prejudice.
3. Plaintiffs may file a second amended complaint or a statement that they plan to stand on the amended complaint by **May 5, 2023**. Failure to act by **May 5, 2023** will be deemed a decision by Plaintiffs that they wish to stand on the amended complaint. If Plaintiffs advise the Court that they will stand on the amended complaint or fails to so respond by **May**

5, 2023, the Court will dismiss the case with prejudice due to Plaintiffs' failure to state a claim upon which relief can be granted.

4. Defendants' Motion for Leave (ECF No. 18) is **GRANTED**. Defendants' Reply Brief in Further Support of Motion to Dismiss Plaintiffs' Amended Complaint, which is attached as Exhibit A to Defendants' Motion for Leave, is deemed **FILED**.

AND IT IS SO ORDERED.

Eduardo C. Robreno

EDUARDO C. ROBRENO, J.